

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

WAUSAU UNDERWRITERS INSURANCE
COMPANY, a foreign
corporation; and EMPLOYERS
INSURANCE COMPANY OF WAUSAU,
a foreign corporation,

Plaintiffs,

v.

CONTINENTAL CASUALTY COMPANY,
a foreign corporation; COLMAC
COIL MANUFACTURING, INC., a
Washington corporation; and
C&S WHOLESALE GROCERS, INC.,
a foreign corporation,

Defendants.

COLMAC COIL MANUFACTURING,
INC., a Washington
corporation,

Counterclaimant,

v.

WAUSAU UNDERWRITERS INSURANCE
COMPANY, a foreign
corporation; and EMPLOYERS
INSURANCE COMPANY OF WAUSAU,
a foreign corporation,

Counterclaim Defendants,

NO. CV-07-0056-EFS

ORDER OF DISMISSAL

1 By Stipulation filed November 12, 2008 (Ct. Rec. 108), the parties
2 advised the Court that all surviving claims in above-captioned matter
3 should be dismissed with prejudice and without costs or fees, pursuant
4 to Federal Rule of Civil Procedure 41.

5 Therefore, **IT IS HEREBY ORDERED:**

6 1. All claims set forth in First Amended Complaint (Ct. Rec. 3) and
7 the Counterclaim (Ct. Rec. 19) are **DISMISSED with prejudice** and **without**
8 **costs** or fees awarded to any party.

9 2. All pending trial and hearing dates are **stricken;**

10 3. All pending motions are **denied as moot;**

11 4. This dismissal shall be **without prejudice** with respect to Colmac
12 Coil Manufacturing, Inc.'s claims against Seabury & Smith, Inc. d/b/a
13 Marsh Advantage America/Seabury & Smith, Inc.; and

14 5. This filed shall be closed.

15 **IT IS SO ORDERED.** The District Court Executive is directed to enter
16 this Order and to provide copies to all counsel.

17 **DATED** this 14th day of November 2008.

18
19 S/ Edward F. Shea
20 EDWARD F. SHEA
United States District Judge

21 Q:\Civil\2007\56.Stip.Dismiss.wpd
22
23
24
25
26